

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Heno PERILLO et al.

Application No. 10/580,651

Confirmation No. 5789

Filed: November 29, 2006

Art Unit: 1614

For: READY-FOR-USE INJECTABLE SOLUTION  
OF 9-((1,3-DIHYDROXYPROPAN-2-  
ILOXY)METHYL)-2-AMINE-1H-PURIN-  
6(9H)-ONE, STERILE, STABLE; CLOSED  
SYSTEM FOR PACKING THE SOLUTION,  
PROCESS FOR ELIMINATING ALKALINE  
RESIDUALS OF 9-((1,3-  
DIHYDROXYPROPAN-2-ILOXY)METHYL)-  
2-AMINE-1H-PURIN-6 (9H)-ONE CRYSTALS;  
PHARMACEUTICAL PRESENTATION AS A  
CLOSED SYSTEM READY-FOR-USE; USES  
AND METHODS

---

Examiner: Finn, M.R.

**APPLICANTS' STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A telephone interview was conducted with the Examiner on December 9, 2010. Applicants have received the Examiner's Interview Summary Record, which correctly indicates that the pending rejection of claims for obviousness was discussed, as was the nature of comparative testing that should be performed to obtain persuasive evidence of unobviousness of the invention.

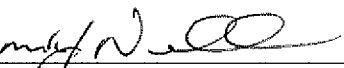
To this Summary, Applicants would add that the Examiner indicated that it would be sufficient to compare a preparation according to the invention to any commercially available free-acid form of gangcyclovir.

Should there be any outstanding matters that need to be solved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Reg. No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in the connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.R.F. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 9, 2011

Respectfully submitted,

By   
Mark J. Nuell

Registration No. 36,623  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive, Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicant